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Attorney for Defendant,  
JAY BRIAN McCASTLE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JAY BRIAN McCASTLE, DAVID )  
TALCOTT USSERY, ROBERT )  
ROBINSON and LINDA ANN CHANEY, )  
 )  
Defendants. )

No. CR S 05-0034 LKK

STIPULATION AND ORDER  
RE: EXCLUDABLE TIME AND  
MODIFICATION OF MOTION HEARING  
& BRIEFING SCHEDULE

The parties hereby stipulate to the following:

1. This matter is now set for hearing on any motions on October 25, 2005, at 9:30 a.m.
2. Defense counsel is in need of additional time to prepare pretrial motions as well as time to consider the government's joint plea proposal made to all defendants. Therefore, the government and all defense counsel agree to the following modification of the motion schedule in order to afford counsel additional time to prepare: Motions to be heard **November 15, 2005 at 9:30 a.m;** motions due **October 17, 2005;** government's response due **November 1, 2005;** defendant's reply, if any, due **November 8, 2005.**

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3. The parties stipulate, and the court is requested to order, that time pending filing of motions should be excluded pursuant to Local Code T4, 18 U.S.C. 3161(h)(8)(B)(iv), for preparation of counsel.

DATED: September 26, 2005 /s/ Tim Warriner, Attorney for defendant,  
JAY BRIAN McCASTLE

DATED: September 26, 2005 /s/ James Ralph Greiner, Attorney for defendant,  
DAVID TALCOTT USSERY

DATED: September 26, 2005 /s/ Christopher Haydn-Meyer, Attorney for defendant,  
ROBERT ROBINSON

DATED: September 26, 2005 /s/ Jan David Karowsky, Attorney for defendant,  
LINDA ANN CHANEY

DATED: September 26, 2005 /s/ Anne Pings, Assistant United States Attorney,  
Attorney for the Government

#### ORDER

GOOD CAUSE APPEARING, it is hereby ordered that the October 25, 2005 motion hearing date be vacated and that the matter be set for hearing on pretrial motions on November 15, 2005, at 9:30 a.m.. The following briefing schedule is ordered: defendants' motions due October 17, 2005; government's response due November 1, 2005; defendants' optional reply due November 8, 2005. It is further ordered that time continue to be excluded for preparation of counsel pending filing of motions pursuant to 18 U.S.C. 3161(h)(8)(B)(iv), Local Code T4.

DATED: October 3, 2005 /s/ Lawrence K. Karlton  
HONORABLE LAWRENCE K. KARLTON  
UNITED STATES DISTRICT JUDGE